

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL A. JACKSON.

Plaintiff,

V.

PAT GLEBE,

## Defendants.

Case No. C08-5769 BHS/KLS

## ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on the filing of Plaintiff Michael A. Jackson's motion to proceed *in forma pauperis*. Dkt. # 1. Plaintiff is currently detained at the McNeil Island Corrections Center in Steilacoom, Washington. To file a complaint and initial legal proceedings, a plaintiff must file a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

A court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, a court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Several district courts have ruled that denial of *in forma pauperis* status is not unreasonable when a prisoner is able to pay the initial expenses required to commence a lawsuit. *See* *Temple v. Ellerthorpe*, 586 F.Supp. 848 (D.R.I. 1984); *Braden v. Estelle*, 428 F.Supp. 595 (S.D.Tex.

1 1977); *U.S. ex rel. Irons v. Com. of Pa.*, 407 F.Supp. 746 (M.D.Pa. 1976); *Shimabuku v. Britton*, 357  
2 F.Supp. 825 (D.Kan. 1973), *aff'd*, 503 F.2d 38 (10th Cir. 1974); *Ward v. Werner*, 61 F.R.D. 639 (M.D.Pa.  
3 1974).

4 Pursuant to 28 U.S.C. § 1915(a)(2):

5 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or  
6 proceeding without prepayment of fees or security therefor . . . shall submit a certified  
7 copy of the trust fund account statement (or institutional equivalent) for the prisoner for  
8 the 6-month period immediately preceding the filing of the complaint or notice of  
9 appeal, obtained from the appropriate official of each prison at which the prisoner is or  
10 was confined.

11 Plaintiff failed to provide the Court with information regarding his inmate trust account in his  
12 initial application to proceed *in forma pauperis*. Dkt. # 1. By letter dated January 8, 2009, the Court  
13 Clerk advised Plaintiff that he was required to provide a certified copy of his prison trust account  
14 statement showing transactions for the past six months and that he should do so by February 9, 2009 or  
15 this action could be dismissed. Dkt. # 2. Plaintiff has not responded and has not provided the trust  
16 account statement. Therefore, the Court is unable to complete its determination of Plaintiff's *in forma*  
17 *pauperis* application.

18 Accordingly, it is **ORDERED**:

19 (1) Plaintiff shall forward a copy of his prison trust account statement showing the balance and  
20 activity of his account for the six-month period immediately preceding the filing of his  
21 petition) to the Clerk **on or before April 3, 2009**. Alternatively, Plaintiff shall pay the full  
22 \$350.00 filing fee required to proceed with this action **on or before April 3, 2009**.

23 (2) **Failure to cure these deficiencies by the above date shall be deemed a failure to  
24 properly prosecute this matter and the Court will recommend dismissal of this  
25 matter.**

26 (3) The Clerk is directed to send a copy of this Order to Plaintiff.

27 DATED this 12th day of March, 2009.

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